ASHFIELD DISTRICT COUNCIL
CIVIL ENFORCEMENT OFF-STREET PARKING PLACES ORDER 2020

Ashfield District Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and under the Traffic Management Act 2004 as amended ("the 2004 Act") and of all other enabling powers, with the consent of the Nottinghamshire County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Constable of the Nottinghamshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 7th day of August 2020 and may be cited as the Ashfield District Council Civil Enforcement Off-Street Parking Places Order 2020. The Ashfield District Council Civil Enforcement Off-Street Parking Places Order 2020 Plans ('the Plans') are incorporated into this Order.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order.

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order.

"Charging Days", means those days specified at each Parking Place and specified in the Schedule of Parking Places other than Christmas Day and Easter Sunday.

"Charging Hours", means the period as specified at each Parking Place and specified in the Schedule of Parking Places or as amended by notice of variation to charges from time to time on all Charging Days.

"Council" means Ashfield District Council.

"Disabled Person's Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders Exemptions for Disabled Person's (England) Regulations 2000 as amended or a badge having effect under those regulations as if it were a Disabled Person's Badge.

"Driver" in relation to a Parking Place means the person driving the Vehicle at the time it was left in the Parking Place.

"Expiry Time" is the time indicated on the Pay and Display Ticket, or Voucher and is the time by which the parking period for which the parking ticket, Voucher or Electronic Payment period has expired.

"Electronic Payment" means a cashless parking payment method of charges for use in a Parking Place where facilities at that Parking Place allow payment by telephone or electronic means, allowing Vehicles of such classes, in such positions, on such days, during such hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places to be parked for the period of time for which Electronic Payment has been made. A transaction fee (convenience charge) may be incurred in addition to the scale of current charges as specified on site and specified in the Schedule of Parking Places, for the use of this Electronic Payment method.

"Electric Vehicle" means an Electric Vehicle or plugin hybrid a Vehicle that is powered entirely or partially by electricity and is capable of being recharged from an Electric Charging Point or external electric power source. The Electric Vehicle must be licensed as private or private/light goods and not exceeding 2500kg in weight or 2 metres in height.

"Electric Charging Point" means apparatus installed within a Parking Place to facilitates the recharging of an Electric Vehicle by way of connection of a power lead from an Electric Charging Point

"Electric Vehicle Parking Bays" means any Parking Bay which has been designated or is at the Council's discretion, hereafter designated for use by Electric Vehicles in order to recharge by using the Electric Charging Point adjacent to the Parking Bay designated for such use. An Electric Vehicle Parking Bay shall be defined as designated for such use by tarmac line markings and or symbols and signage adjacent to the Electric Vehicle Parking Bay indicating the Parking Bay is designated for the sole use of an Electric Vehicle.

"Free Period" means a period of parking for which a Voucher (free parking ticket) must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00.

"Goods Vehicle" has the same meaning as that ascribed to it in Schedule 6 of the Road Traffic Act 1988 ('RTA 1988').

"Loading / Unloading" refers to when a Vehicle is parked wholly in a Parking Place or Parking Bay marked for that designated purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or Parking Bay and the Vehicle does not park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise.

"Loading Bay" means an area of a Parking Place which is provided for the temporary parking of Vehicles of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by notices in the Parking Place for the purpose of Loading and Unloading of goods.

"Motorcycle" refers to a solo motorcycle only and excludes any motorcycle which has a side-car or trailer, or which has more than two wheels.

"Owner" in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question.

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place.

"Parking Permit" means a season ticket, contract permit, business permit employee permit or resident's permit of a type and design issued by the Council.

"Parking Place" means an area of land shown on the Plans and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of Vehicle parking and not closed (in part or in whole) by a notice sign or barrier erected or displayed thereon by authority of the Council in accordance with Article 12 of this Order.

"Parking Ticket" means a ticket receipt electronic or otherwise for payment of the appropriate parking charge (if any) purchased or obtained in accordance with Part III of this Order ('CHARGES FOR PARKING').

"Pay and Display" means for the purpose of this order a type of Parking Place where upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place a Pay and Display Ticket must be purchased or Electronic Payment must be made at the appropriate level of charge (if any) or a Voucher

obtained for any Free Period in accordance with the scale of charges specified at that Parking Place and specified in the Schedule of Parking Places, as described in Article 23 of this Order.

"Pay and Display Ticket" means a "parking device" in accordance with the RTRA 1984 Section 35 (3A)(b)&(3B) and for the purpose of this order a ticket either purchased or obtained for a period and issued by a Ticket Machine or electronic means by Electronic Payment (Virtual Ticket) located in the Parking Place in which the Vehicle has been left or a ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 23 of this Order. The Pay and Display Ticket must be displayed prominently on the Vehicle or held electronically where Electronic Payment has been made, where appropriate, in accordance with Article 25 of this Order.

"Virtual Ticket" means a "parking device" in accordance with the RTRA 1984 Section 35 (3A)(b)&(3B) and for the purpose of this order a ticket either purchased or Voucher obtained for a parking period and issued electronically for a Parking Place location with a unique reference code for that Parking Place in which the vehicle has been left and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 23 of this Order. The Virtual Ticket must be held electronically where Electronic Payment has been made and where appropriate in accordance with Article 25 of this Order.

"Voucher" means a "parking device" in accordance with the RTRA 1984 Section 35 (3A)(b)&(3B) and for the purpose of this order a free parking ticket obtained for a Free Period and issued by a Ticket Machine or electronic means by Electronic Payment (Virtual Ticket) located in the Parking Place in which the Vehicle has been left or a free parking ticket issued by a person nominated by the Council and valid for a parking period as specified at that Parking Place and specified in the Schedule of Parking Places in accordance with Article 23 of this Order. The Voucher must be displayed prominently on the Vehicle, where appropriate, in accordance with Article 25 of this Order.

"Pay on Foot / Pay on Exit": means a type of Parking Place where an entry ticket is taken at the entry barrier to access the Parking Place. Prior to leaving the Parking Place, this ticket is then inserted in to a Ticket Machine located in the Parking Place and the correct payment (if any) for time parked in the Parking Place is made. The Ticket Machine produces an exit ticket, which is then used to raise the barrier on exit.

"Penalty Charge" means the charge set by the Council under Section 77 of part 6 of Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice from the date of issue of that notice.

"Penalty Charge Notice" means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"Plans" means the Ashfield District Council Civil Enforcement Off-Street Parking Places Order 2020 Plans as numbered and annexed to this Order, which identify the Parking Places affected by this Order.

"Public Holiday" means Christmas Day, Good Friday and any other day designated by the Government as a public holiday.

"Relevant Position" means:

(a) in respect of a Vehicle displaying a valid Disabled Person's Badge -

  (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or

  (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle

(b) in respect of a Vehicle displaying a Pay and Display Ticket, Voucher, or Parking Permit

(i) the ticket, Voucher or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection from the front or side of the Vehicle; or

(ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket, Voucher or permit is exhibited on the front of the Vehicle facing forwards and clearly visible, whereby the purchase amount, Expiry Time, date of purchase, and serial number should be visible on inspection .

(c) in respect of a Vehicle displaying a Hackney Carriage plate

(i) the plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the Council

Relevant Position (b) (i) and (ii) does not apply if payment is made by the Electronic Payment method, the Electronic Payment (Virtual Ticket) will be automatically display electronically for inspection.

"Schedule of Parking Places" means a schedule of Parking Places, locations, times of use of the said Parking Places, parking tariffs and charges including Free Periods (if any) attached to and contained within this Order as may be amended or varied from time to time.

"Specified Proportion" means such proportion, applicable to all cases where a Penalty Charge Notice has been issued, as may be determined by the Local Authorities acting through the Joint Committee of the National Parking Adjudication Service or any such successor organisation carrying out the same function.

"Ticket Machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue Parking Tickets or Vouchers each

of which permits the parking of a vehicle in the Parking Place for the period specified thereon.

"Vehicle" means any motorcar, Motorcycle, Electric Vehicle or other mechanically propelled automobile, licensed as private or private/light goods and not exceeding 2500kg in weight or 2 metres in height.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference to a plan is a reference to the Plans incorporated into this Order.

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II
DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land or buildings, as shown on the Plans, may be used, subject to the provisions of this Order, as a place to leave Vehicles of such classes, in such positions, on such days, during such hours and for such period as are specified at each Parking Place and specified in the Schedule of Parking Places.

Class and position of Vehicle

7. Whereby notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or as the case may be in any Parking Bay within the Parking Place:

   (i) unless it is of the specified class;

   (ii) Where it exceeds the maximum height or weight specified in that Parking Place; except where a vehicle has been modified to accommodate a disability wheelchair or a mobility scooter and is parked in accordance with Article 7 (iii) and Article 8 of this Order

   (iii) that is parked beyond the Parking Bay markings; or

   (iv) in a position other than that specified.

Disabled person's parking bays

8. No person shall cause or permit a Vehicle to park in a Parking Bay marked and designated for disabled persons unless the Vehicle displays a valid Disabled Person's Badge (blue badge) in the Relevant Position and unless the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge (blue badge) has been issued either immediately before or immediately after the act of parking. Where required the Vehicle shall also display the Disabled Person's Badge clock in accordance with local regulations. A disabled persons Parking Bay shall be defined as designated for such use by tarmac line markings and or symbols indicating the Parking Bay is designated for use by a person holding a valid Disabled Persons Badge (blue badge)

Taxi Ranks

9. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Taxis unless the Vehicle displays a valid Hackney Carriage plate issued by the Council in the relevant position.

Loading and Unloading Bays

10. No person shall cause or permit a Vehicle to park in a Parking Bay marked as a Loading Bay unless the Vehicle is being used for the purpose of Loading or Unloading.

Motorcycle parking bays

11. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motorcycles unless the Vehicle is a Motorcycle.

Power to close or suspend Parking Places

12. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:

(i) from closing a Parking Place or any part thereof for any period; and/or

(ii) from suspending by setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.

13. Any person closing or suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 12 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or sign indicating that the use of that Parking Place or that part thereof is closed or suspended and that parking by Vehicles is prohibited.

14. No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of Article 13.

Use of Parking Place

15. No person shall while a Vehicle is in a Parking Place use the Parking Place for any purpose other than parking the Vehicle, boarding or alighting from the Vehicle or taking articles out of or into the Vehicle and in particular but without prejudice to the generality of the foregoing provisions of this Article no person shall:

(i) Carry out any work of construction overhauling cleaning or repair in respect of the Vehicle except as may be necessary to enable the Vehicle to be moved from the Parking Place;

(ii) Use the parking place to make deliveries load or unload goods except where authorisation is granted by an authorised officer from the council

(iii) Use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his or another person's skills or services in any capacity, unless with the express written permission of the Council;

(iv) Except with the permission of an authorised officer of the Council or Civil Enforcement Officer drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in the Parking Place or for the purpose of departing from the Parking Place in accordance with the provisions of this Order.

Maximum Period of Stay

16. Where a Parking Place is described by a notice displayed within it or specified in the Schedule of Parking Places as being available for use on specified days during specified hours or as being available for use for a maximum period of stay no person shall permit a Vehicle to park in that Parking Place on any day during such hours or for any period longer than that specified.

Period of no return

17. Where by notice on site or specified in the Schedule of Parking Places a Parking Place is described as having a period within which a Vehicle may not return no person shall permit a Vehicle to park in that Parking Place on any day during such period.

Parked with engine running

18. The Driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Bay and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

Parked causing an obstruction

19. The Driver of a Vehicle using a Parking Place shall not park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

Electric vehicle parking bays

20. No person shall cause or permit a Vehicle to park in an Electric Vehicle Parking Bay within a Parking Place or wait for any period in a Parking Bay designated for such use unless the Vehicle is an Electric Vehicle connected by electric power lead to an adjacent Electric Charging Point consuming an electrical charge and is being charged or recharged continually throughout the period within which the Electric Vehicle is parked or waiting within that Parking Bay. Only Electric Vehicles shall be permitted to park in an Electric Vehicle Parking Bay.

PART III
CHARGES FOR PARKING

Payment

21. The Driver of a Vehicle using a Pay and Display Parking Place shall upon parking the Vehicle in the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate charge (if any) or make payment by Electronic Payment method at the level of charges in accordance with the scale of current charges as specified on site and specified in the Schedule of Parking Places. Where a Free Period of parking is specified on site and specified in the Schedule of Parking Places for which a Voucher (free parking ticket) is required a Voucher must be obtained but for which there is no charge as specified on site and which is specified in the Schedule of Parking Places as being at a charge of £0.00.

Pay On Exit / Pay On Foot Parking Place

22. The Driver of a Vehicle using a Pay On Exit / Pay On Foot Parking Place shall upon arriving at the Parking Place take a Parking Ticket from the Ticket Machine to establish the time of entry at the Parking Place and shall on return to the Vehicle prior to exit pay the appropriate fee (if any) at the Pay On Foot Ticket Machine or pay the attendant or Civil Enforcement Officer on duty or a person nominated by the Council as the case may be at the exit point a parking fee at the level of charge and for the period required in accordance with the scale of charges specified at that Parking Place and specified in the Schedule of Parking Places.

Pay and Display Parking Places

23. The Driver of a Vehicle using a Pay and Display Parking Place, or any Parking Bay within the Pay and Display Parking Place shall upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place purchase or obtain a Pay and Display Ticket at the appropriate level of charge (if any), make payment by Electronic Payment method or obtain a Voucher for the period required, all in accordance with the scale of charges as specified at that Parking Place and specified in the Schedule of Parking Places.

Means of payment

24. The charges (if any) referred to in Articles 21 22 and 23 shall be payable in the manner as specified at that Parking Place and specified in the Schedule of Parking Places or by payment to a person nominated by the Council.

Display of Parking Ticket, Voucher or Virtual Ticket

25. Save for payment by Electronic Payment method, whereby a Virtual Ticket is purchased or obtained electronically and information is virtually displayed for inspection, once a Vehicle has been parked within a Pay and Display Parking Place the Driver of the Vehicle shall:

(i) ensure that a valid Pay and Display Ticket, or Voucher has been obtained or Electronic Payment has been made (Virtual Ticket) and is displayed at all times the Vehicle is parked, to cover the entire period that the Vehicle is parked in the Parking Place

and

(ii) display the Pay and Display Ticket or Voucher issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.

Article 25 (i) and (ii) applies if payment is made by the Electronic Payment method, albeit that the Virtual Ticket will be automatically displayed for inspection.

Validity of Pay and Display Tickets, Voucher and Electronic Payments

26. A Pay and Display Ticket, Voucher and Electronic Payments (Virtual Tickets) are not transferable from one Vehicle to another and on transfer the ticket, Voucher or Electronic payment (Virtual Ticket) ceases to be valid.

27. A Pay and Display Ticket, Voucher or Electronic Payment (Virtual Ticket) is valid only in the Pay and Display Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine or Electronic Payment reference code located in that Parking Place printed on the Pay and Display Ticket, Voucher or Electronic Payment transaction (Virtual Ticket).

Expiry of parking period

28. The expiry of the period of parking at a Parking Place (as specified at the Parking Place and specified in the Schedule of Parking Places) shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket or Voucher and the expiry date and time printed on the Pay and Display Ticket or Voucher is earlier than the date and time displayed on the clock of the

issuing Ticket Machine or where payment has been made by the Electronic Payment method and the time period for which payment has been made and recorded is obtained and that period is earlier than the date and time displayed on the clock of the Ticket Machine .

No Pay and Display Ticket or Voucher displayed

29. If at any time while a Vehicle is left in a Pay and Display Parking Place no Pay and Display Ticket or Voucher is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of Article 25, or where Electronic Payment is in operation and this system confirms non-payment or expiry of time purchased by Electronic Payment method it shall be deemed that the charge (if any) has not been paid or an appropriate Parking Ticket, Electronic Payment or Voucher has not been obtained.

30. If at the time when a Vehicle is left during the Charging Hours in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council indicating that the said Ticket Machine is out of order then a Parking Ticket or Voucher shall be obtained from another Ticket Machine within the same Parking Place (where another Ticket Machine is so provided) or obtained from a person nominated by the Council to issue such tickets or by use of the Electronic Payment method (where this facility is available). Otherwise Article 29 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order and no electronic payment can be made, whether signed as such or not, or where no person has been so nominated by the Council.

31. Where no valid Pay and Display Ticket, Voucher or Electronic Payment method can be obtained and or displayed pursuant to the circumstances described in Article 30, Vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place specified at that Parking Place and specified in the Schedule of Parking Places.

Parking Permits

32. Parking Permits are available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place subject to terms and conditions determined by the Council.

33. The Driver shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit.

34. A Parking Permit is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the Parking Permit.

35. A Parking Permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Parking Permit

36. The Driver of the Vehicle shall display the Parking Permit in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is left in the Parking Place. Electronic permits are exempt from the need to display.

Replacement Parking Permits

37. Damaged or lost Parking Permits will be replaced on application to the Council and on payment of an administration fee. The damaged or lost Parking Permit will then become immediately invalid.

Surrender of Parking Permit

38. The holder of an annual Parking Permit shall on surrendering the Parking Permit be entitled to a refund based upon the number of complete months remaining un-expired from the beginning of the calendar month following the date on which the Council receives the surrendered Parking Permit. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee. The Council may accept the transfer of a Parking Permit to a new Vehicle on the surrender of the existing Parking

Permit to the Council subject to the relevant administration fee and subject to the procedure stated in the conditions of holding such a permit.

Restriction on removal

39. When a Pay and Display Ticket, Voucher or Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket, Voucher or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART IV
EXEMPTIONS FROM DAILY CHARGES

40. No charge shall be payable in respect of:

(i) a Vehicle for a period specified at that Parking Place and specified in the Schedule of Parking Places which displays in the Relevant Position a valid Disabled Person's Badge provided that the Vehicle has been used or is about to be used by the person(s) in respect of whom the badge is issued immediately before or immediately after the Vehicle was parked in the Parking Bay; in accordance with the scale of charges as specified at that Parking Place and specified in the Schedule of Parking Places.

(ii) a Motorcycle which is left in a Parking Bay specified for such Vehicles (if any); or

(iii) a Vehicle left displaying in a Relevant Position a valid Parking Permit valid for that Parking Place or

(iv) a Vehicle left displaying in a Relevant Position a valid Voucher valid for that Parking Place in accordance with Article 27 and used in association with a Free Period.

(a) an exempt Vehicle may be left in a Parking Place without payment of a daily charge, but may not be left for longer than the maximum period of parking in that Parking Place specified at that Parking Place and specified in the Schedule of Parking Places

Absence of ticket machine

41. If at the time when a Vehicle is left in a Parking Place during the charging hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the Driver of that Vehicle shall be exempt from purchasing or obtaining a Pay and Display Ticket or Voucher. Otherwise Article 31 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order whether signed as such or not.

PART V

RELOCATION AND REMOVAL OF VEHICLES

Emergencies

42. A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place.

Safe keeping

43. Any person removing a Vehicle from a Parking Place under Article 42 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle

PART VI

LIABILITIES / PENALTIES

Liability

44. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies.

Wilful damage

45. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

PART VII

CONTRAVENTION AND PENALTY CHARGE

Contravention

46. If a Vehicle is parked in a Parking Place without complying with the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation

Penalty Charge Notice

47. In the case of a Vehicle in respect of which the Penalty Charge may have been incurred it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the Driver of the Vehicle, post the Penalty Charge Notice to the Owner of the Vehicle or attach the Penalty Charge Notice to the Vehicle in a conspicuous position

Restriction on removal of notices

48. A Penalty Charge Notice attached to a Vehicle in accordance with Article 46 shall not be removed or interfered with except by or under the authority of:

(i) the Owner or person in charge of the Vehicle;

(ii) the Council for the Parking Place in which the Vehicle in question was found.

Manner of Payment of Penalty Charge

49. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice. The recipient of a Penalty Charge Notice may be eligible to make representations or appeal against the Penalty Charge Notice issued, as detailed on the Penalty Charge Notice and in accordance with the requirements and procedures set out in the 2004 Act and its subordinate legislation.

50. If the Driver fails to pay the Penalty Charge by the end of a period of 28 days a notice to the Owner may be served. If the charge is then not paid within a further 28 days, the charge may be increased by 50% on the issue of a

charge certificate in accordance with the provisions of Section 21 of Part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or such other percentage increase of charge as may be determined by amendments to the legislation from time to time. Continued failure to pay the Penalty Charge may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.

51. Payment shall be received not later than 16:00 hours on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the Specified Proportion is paid.

Indications as Evidence

52. The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART VIII
DISPOSAL OF VEHICLES

Disposal of Vehicles abandoned in Parking Places

53. The Council may sell or otherwise dispose of a Vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Article 42 if the Vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the Vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

54. Where the Vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the Vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the Vehicle has identified himself to them.

55. The Council shall, where by virtue of Articles 54, 56 and 57, it is aware of the name and address of a person who it appears may be the Owner of the Vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the Vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.

56. If any person to whom a notice is sent in accordance with Article 55 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the Vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the Owner of the Vehicle.

57. Where a Vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that officer considers is the Owner of the Vehicle and the address of that person.

58. The Council shall then make such further enquiries as to ownership as it thinks fit.

59. Upon the sale of a Vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.

60. In the event that any such costs incurred by the Council in connection with the disposal of the Vehicle are not satisfied by virtue of the last preceding Article,

the Council may recover those costs from the person who was the Owner of the Vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under Article 54.

61. Any sums received by the Council on the sale of a Vehicle shall, after deducting any sum applied by virtue of Article 58, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the Vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.

62. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART IX

REVOCATIONS

Revocations

Ashfield District Council (Civil Enforcement Off-Street Parking Places) Order 2016 and any variations thereto attached to this previous order are revoked in their entirety as from the date this Order comes into operation.

PART X

SCHEDULE OF PARKING PLACES

SCHEDULE OF PARKING PLACES

SCHEDULE OF PARKING PLACES, TARIFFS, TIMES AND CHARGES OF USE UNDER THIS ORDER

Category	Name of Parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Charging Hours of Parking Place	Maximum Period for which a Vehicle may wait	Scale of Charges
	Hucknall						
B	Piggins Croft, Hucknall Plan Ref: PC1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** — **Charge** Up to 1 hour — £0.00* Up to 2 hours — £0.60 Up to 4 hours — £2.00 Over 4 hours — £4.00 **Blue badge holder** — £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
D	Piggins Croft, Hucknall Plan Ref: PC1A	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours **Only in Parking bays marked and signed accordingly** No return within 2 hours	**Waiting period** — **Charge** Up to 2 hours — £0.00* *Only with a 2 hour free Voucher from the parking machine within that parking Place One free period per day

A	Market Place, Hucknall Plan Ref: MP1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours No return within 2 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
B	Yorke Street, Hucknall Plan Ref: YS1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 Over 4 hours £4.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day

	Kirkby-in-Ashfield						
B	Hodgkinson Road, Kirkby-in-Ashfield Plan Ref: HR1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 Over 4 hours £4.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
D	Hodgkinson Road, Kirkby-in-Ashfield Plan Ref: HR1A	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours **Only in Parking bays marked and signed accordingly** No return within 2 hours	**Waiting period** **Charge** Up to 2 hours* £0.00* **Blue badge holder** £0.00 *Only with a 2 hour free Voucher from the parking machine within that parking place One free period per day
B	Festival Hall, Kirkby-in-Ashfield Plan Ref: FH1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 Over 4 hours £4.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day

A	Market Yard, Kirkby-in-Ashfield Plan Ref: MY1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours No return within 2 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
A	Ellis Street, Kirkby-in-Ashfield Plan Ref: ES1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours No return within 2 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
D	ADC Offices, Kirkby-in-Ashfield Plan Ref: ADC1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours **Only in Parking bays marked and signed accordingly** No return within 2 hours	**Waiting period** **Charge** Up to 2 hours £0.00* **Blue badge holder** £0.00 *Only with a 2 hour free Voucher from the parking machine within that parking Place One free period per day

	Sutton-in-Ashfield						
C	Market Place, Sutton-in-Ashfield Plan Ref: MP2	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours No return within 4 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
C	Sherwood Place, Sutton-in-Ashfield Plan Ref: SP1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours No return within 4 hours	**Waiting period** **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
D	Sherwood Place, Sutton-in-Ashfield Plan Ref: SP1A	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours **Only in Parking bays marked and signed accordingly** No return within 2 hours	**Waiting period** **Charge** Up to 2 hours £0.00* **Blue badge holder** £0.00 *Only with a 2 hour free Voucher from the parking machine within that parking Place One free period per day

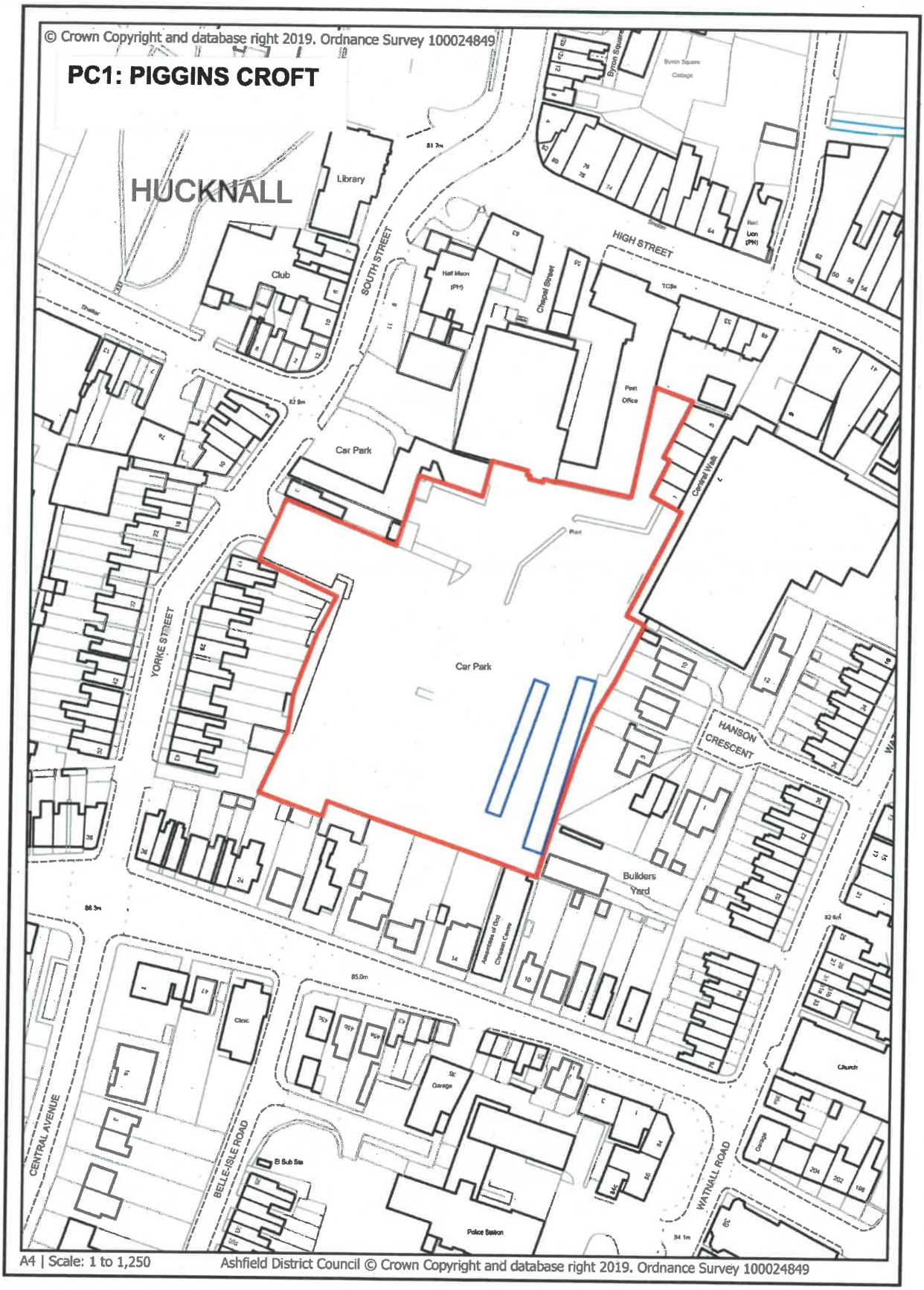
B	New Street, Sutton-in-Ashfield Plan Ref: NS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** / **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 Over 4 hours £4.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
B	Stoney Street, Sutton-in-Ashfield Plan Ref: SS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** / **Charge** Up to 1 hour £0.00* Up to 2 hours £0.60 Up to 4 hours £2.00 Over 4 hours £4.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
E	New Cross Street, Sutton-in-Ashfield Plan Ref: NCS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours No return within 3 hours	**Waiting period** / **Charge** 12 hours £0.00

G	Kings Mill Reservoir (A), Sutton-in-Ashfield Plan Ref: KMR1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours Including Bank Holidays	Maximum stay 12 hours No return within 3 hours	**Waiting period** / **Charge** Up to 1 hour £0.00* Up to 2 hours £1.00 Up to 4 hours £2.00 Up to 6 hours £3.00 Up to 8 hours £4.00 Up to 10 hours £5.00 Up to 12 hours £6.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
G	Kings Mill Reservoir (B), Sutton-in-Ashfield Plan Ref: KMR2	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours Including Bank Holidays	Maximum stay 12 hours No return within 3 hours	**Waiting period** / **Charge** Up to 1 hour £0.00* Up to 2 hours £1.00 Up to 4 hours £2.00 Up to 6 hours £3.00 Up to 8 hours £4.00 Up to 10 hours £5.00 Up to 12 hours £6.00 **Blue badge holder** £0.00 *Only with a free Voucher from the parking machine within that parking place One free period per day
E	Robin Hood Line Sutton Parkway East, Sutton-in-Ashfield Plan Ref: RHLE1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	24 hours Monday to Sunday (inclusive)	24 hours Including Bank Holidays.	Maximum stay 12 hours No return within 3 hours	**Waiting Period** / **Charge** 12 hours £0.00

E	Huthwaite Market Place Huthwaite Plan Ref: HM1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	24 hours Monday to Sunday (inclusive	24 hours Including Bank Holidays.	Maximum stay 12 hours No return within 3 hours	**Waiting Period** **Charge** 12 hours £0.00
	Jacksdale						
E	Jacksdale Village Jacksdale Plan Ref: JV1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours Including Bank Holidays	Maximum stay 12 hours No return within 3 hours	**Waiting Period** **Charge** 12 hours £0.00

ANNEX 1

PLANS



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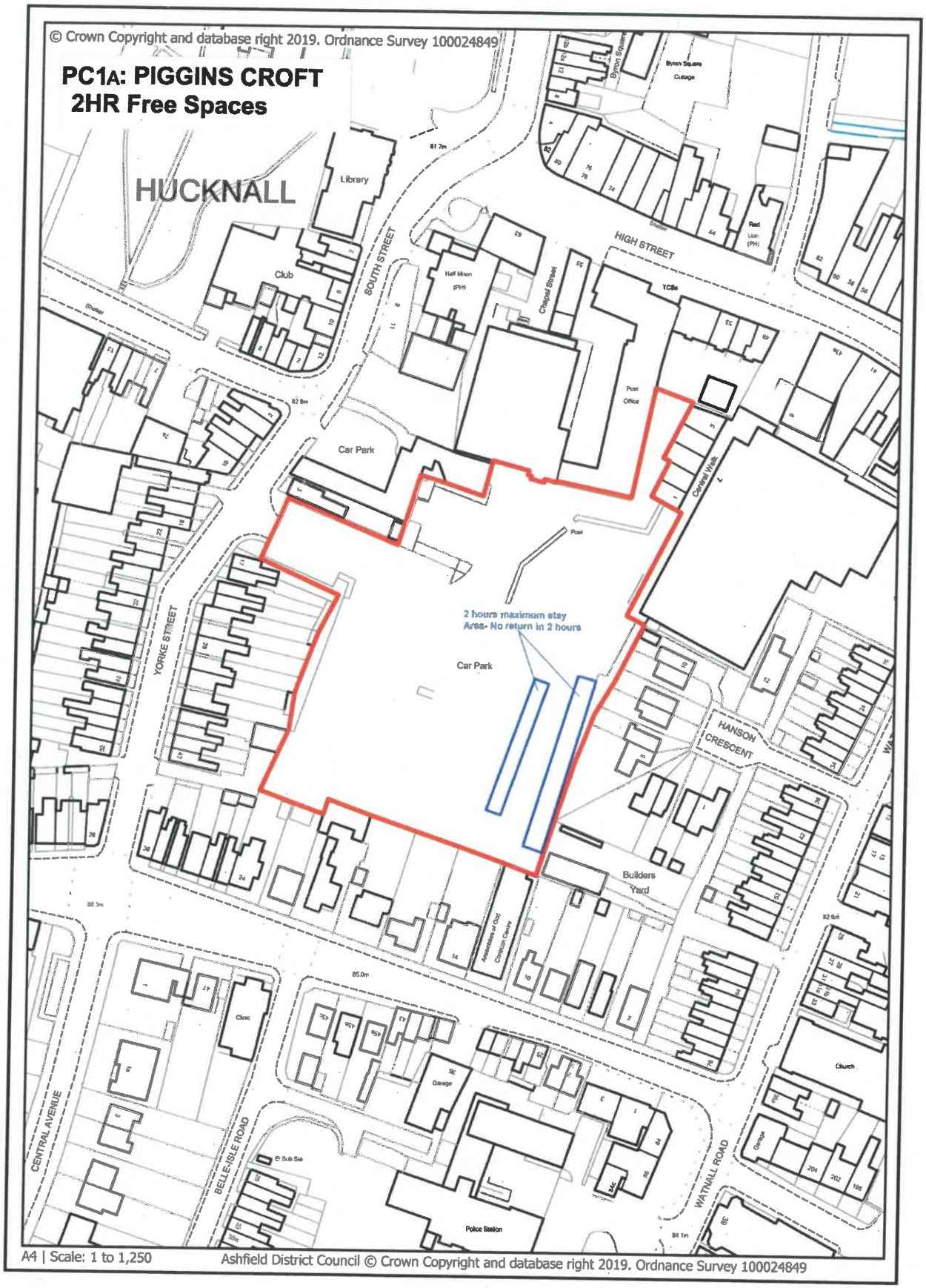

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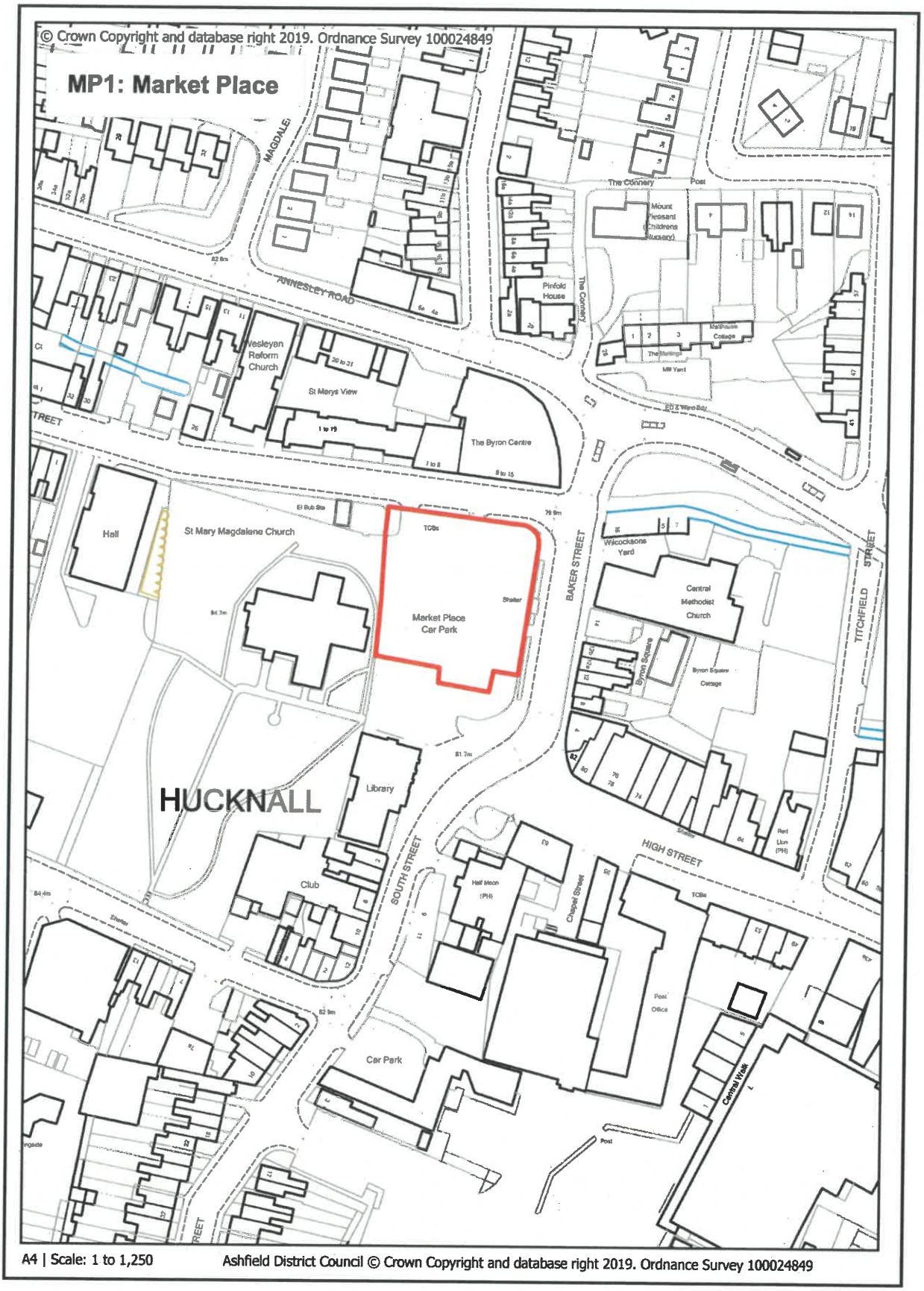

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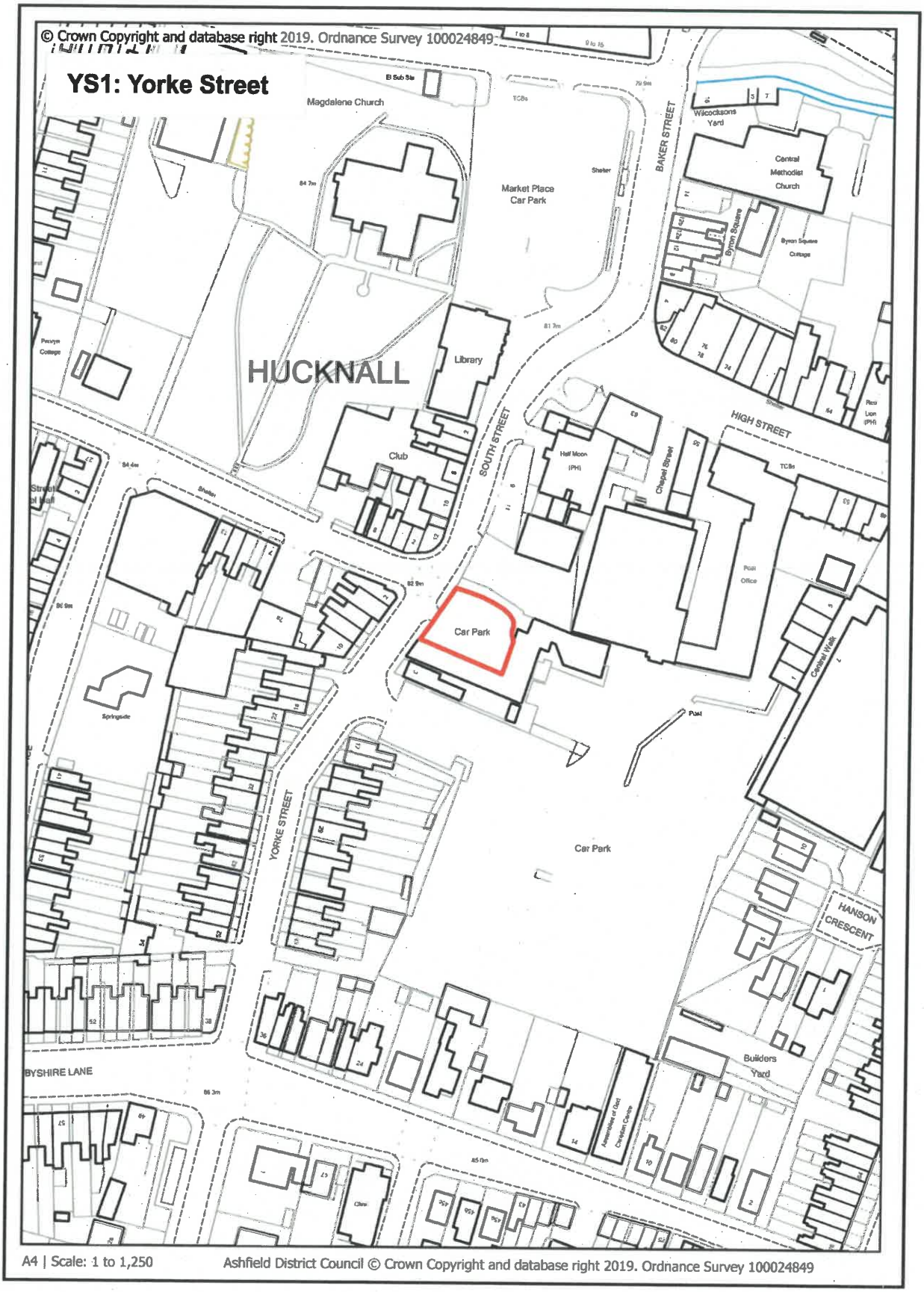

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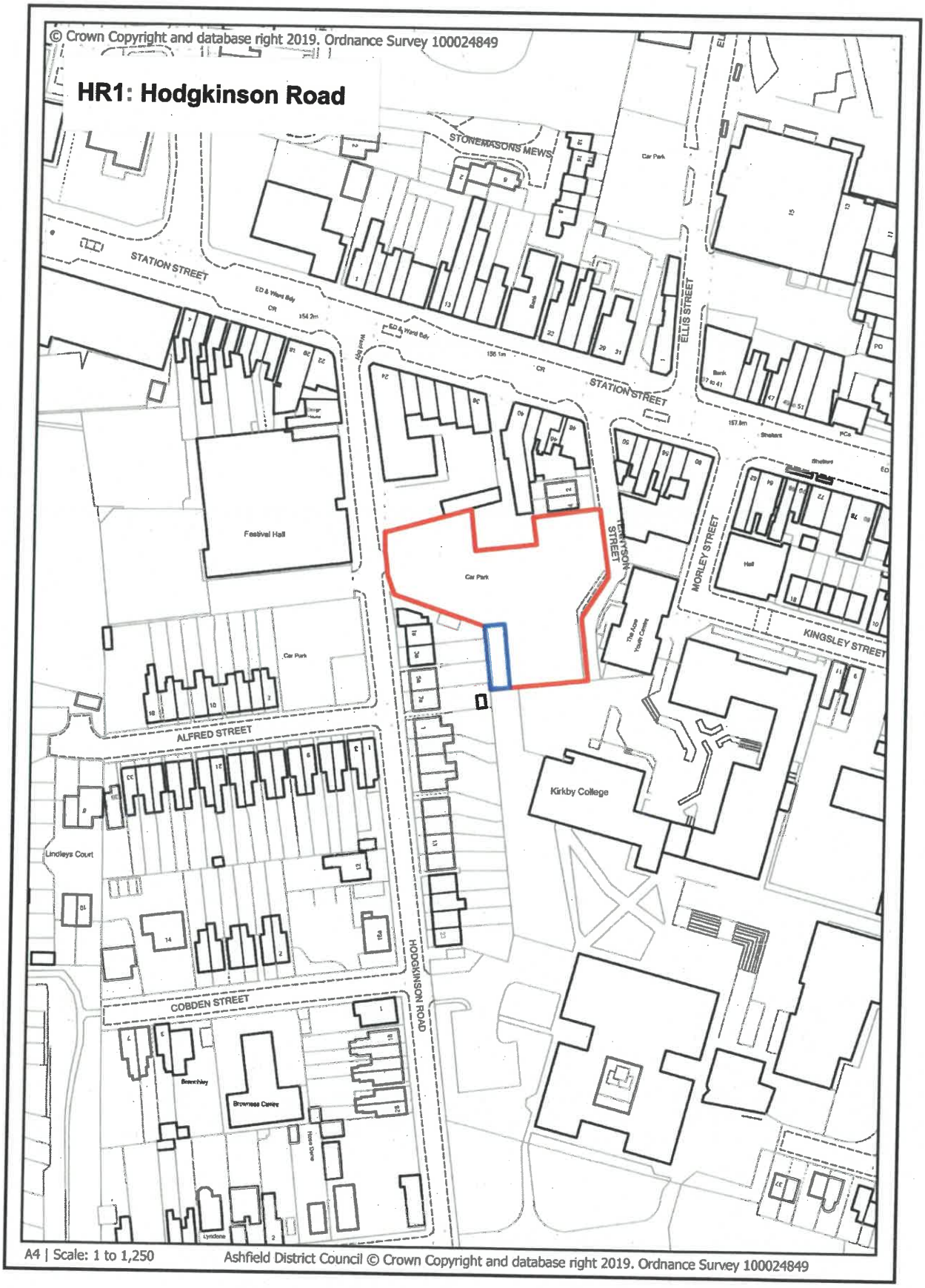

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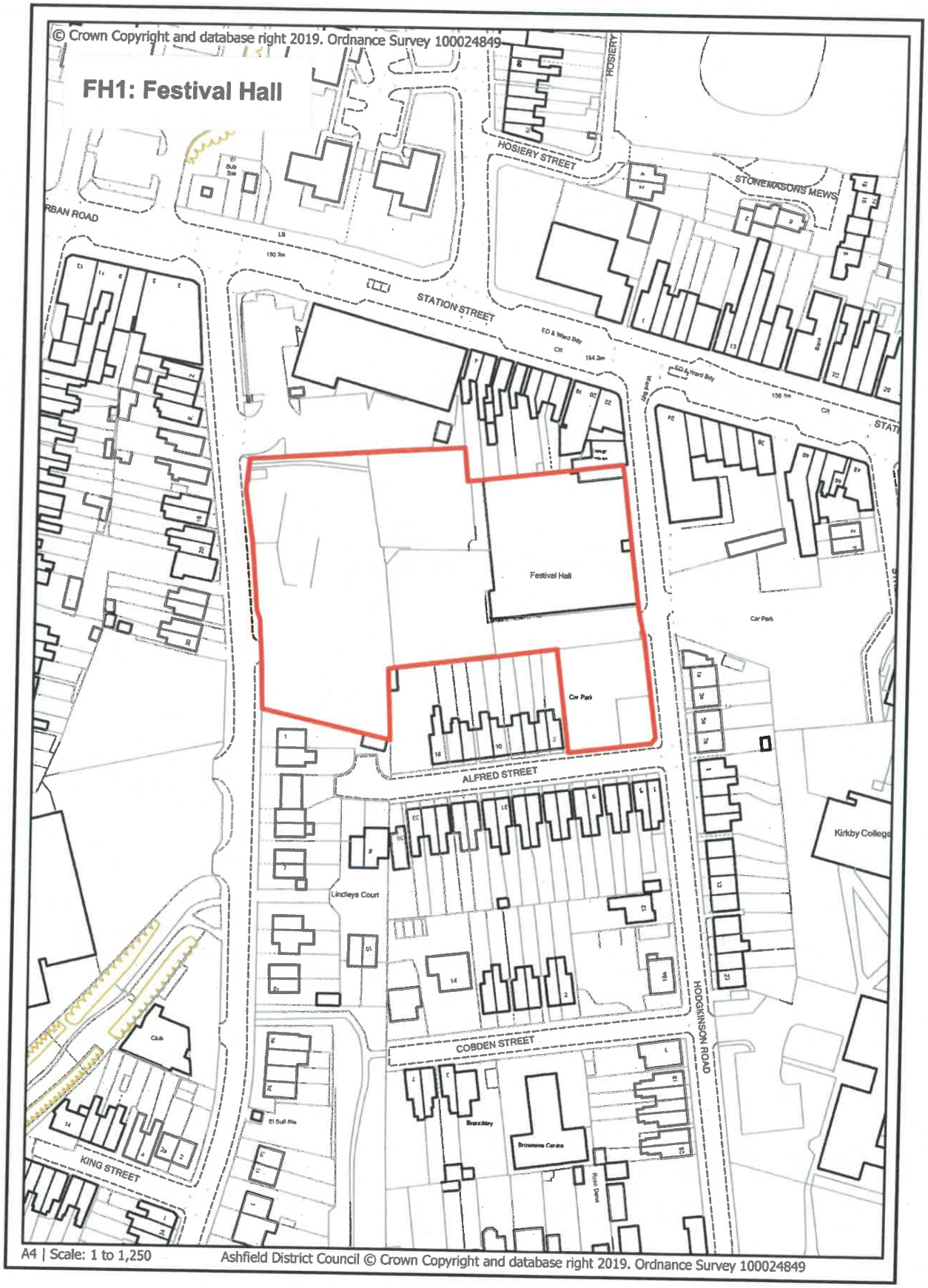

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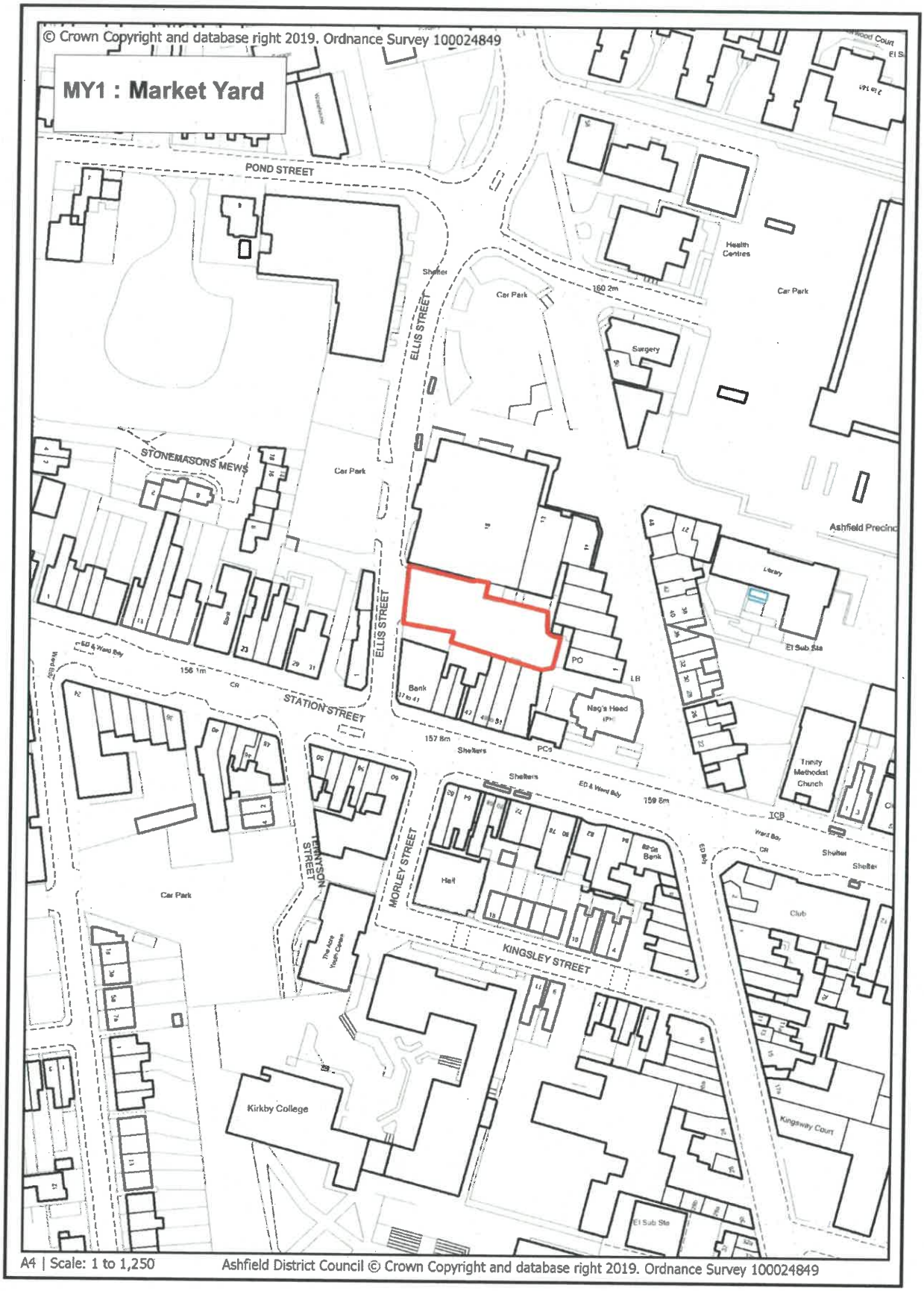

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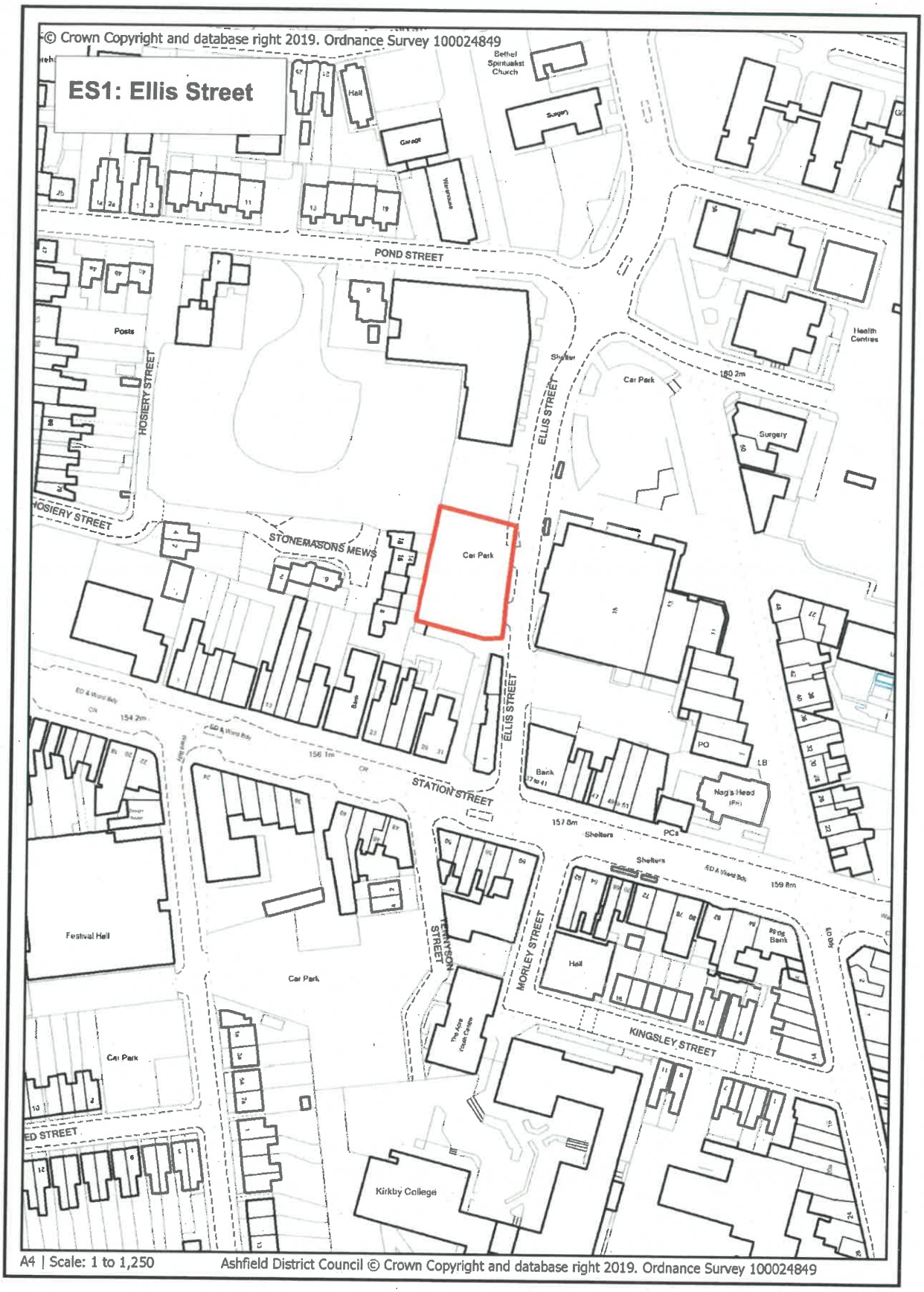

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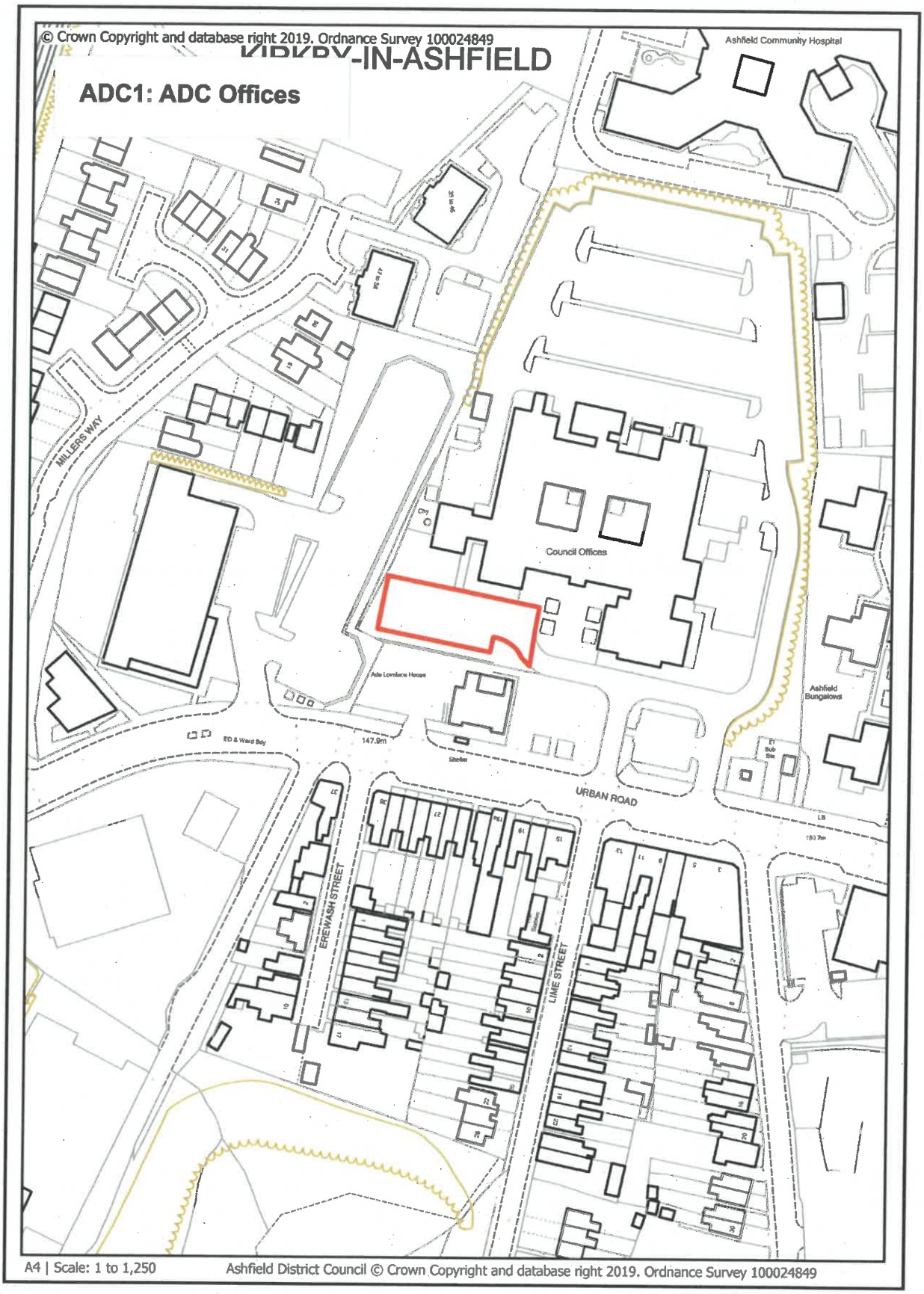

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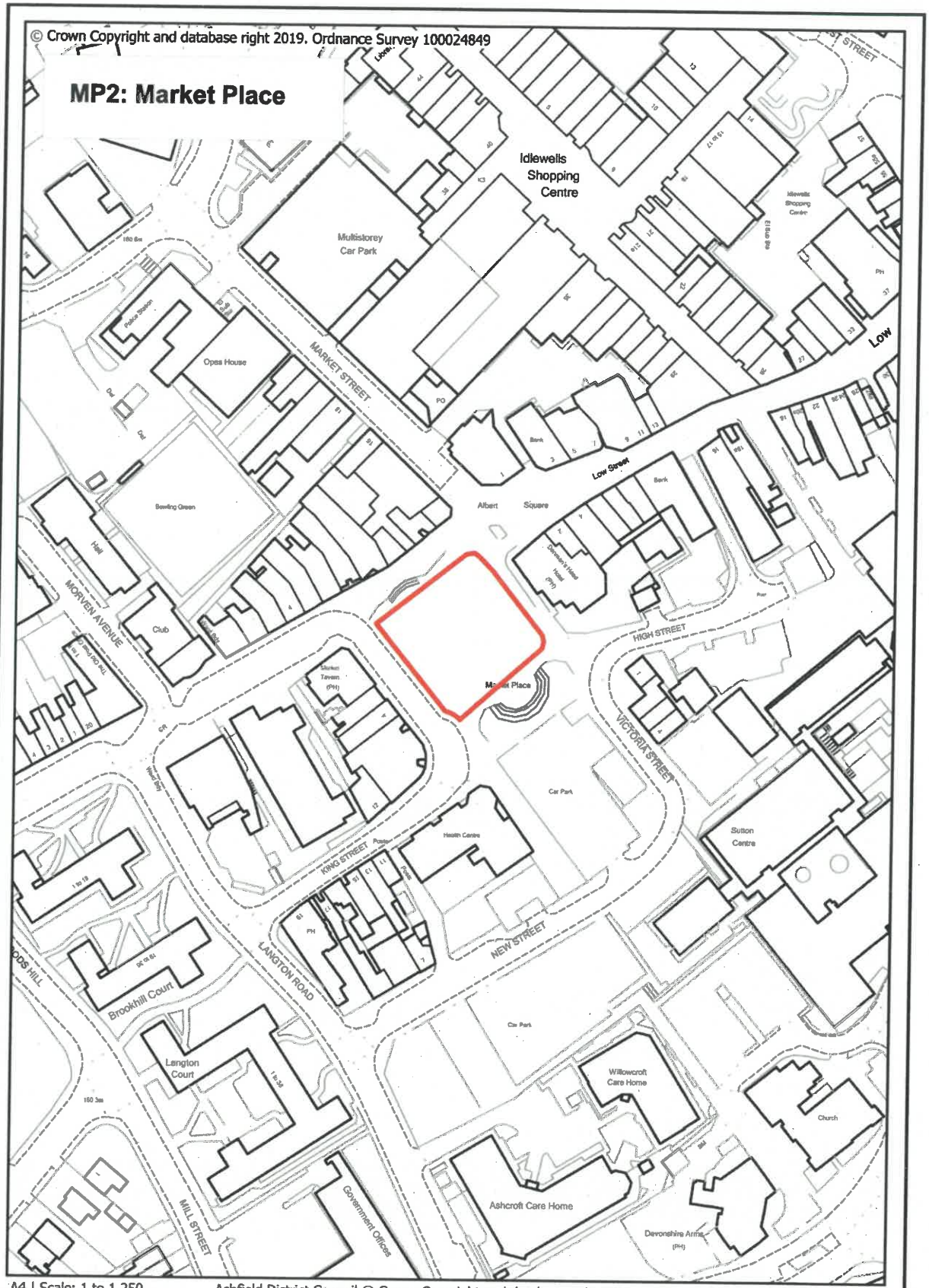

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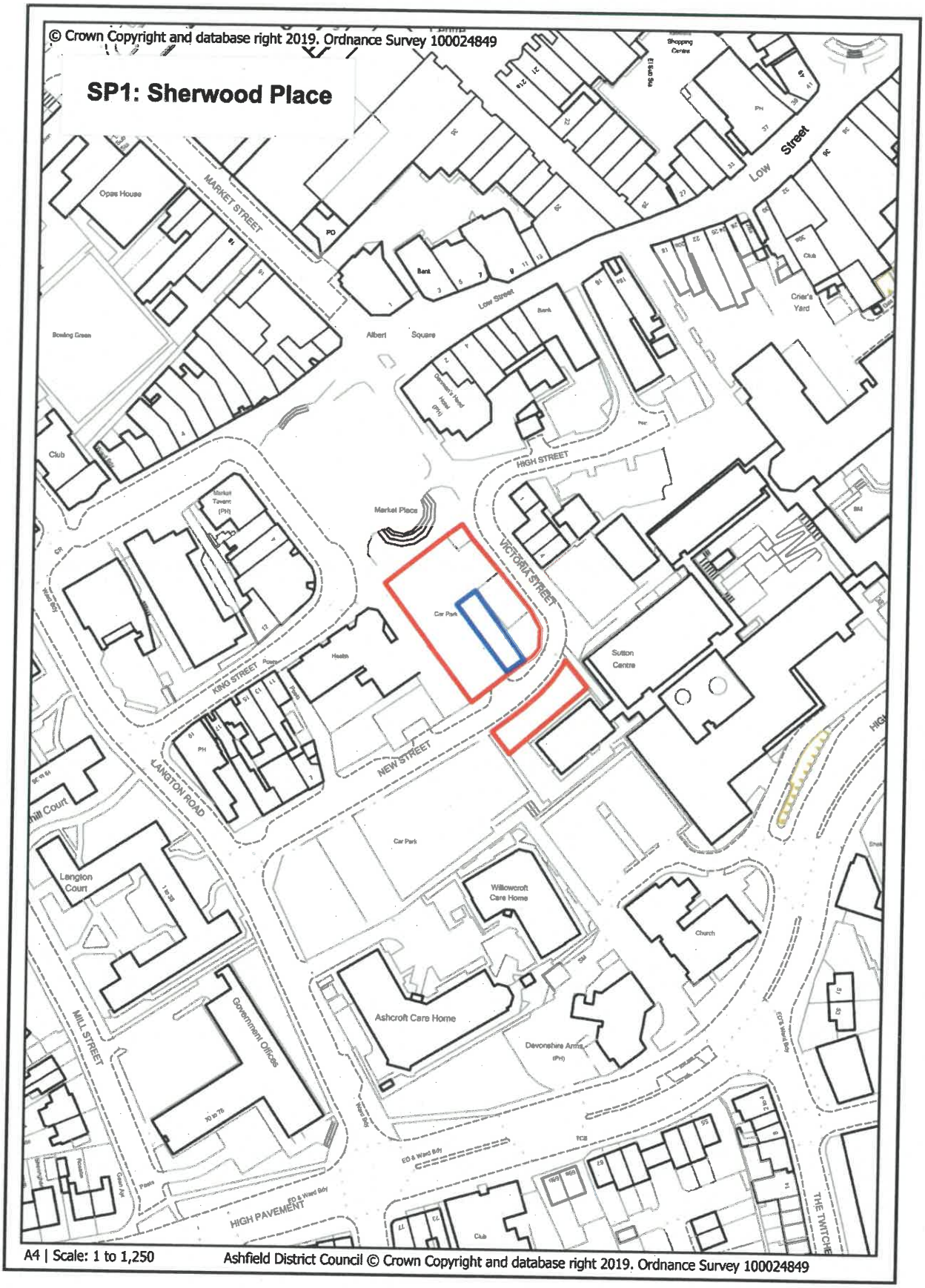

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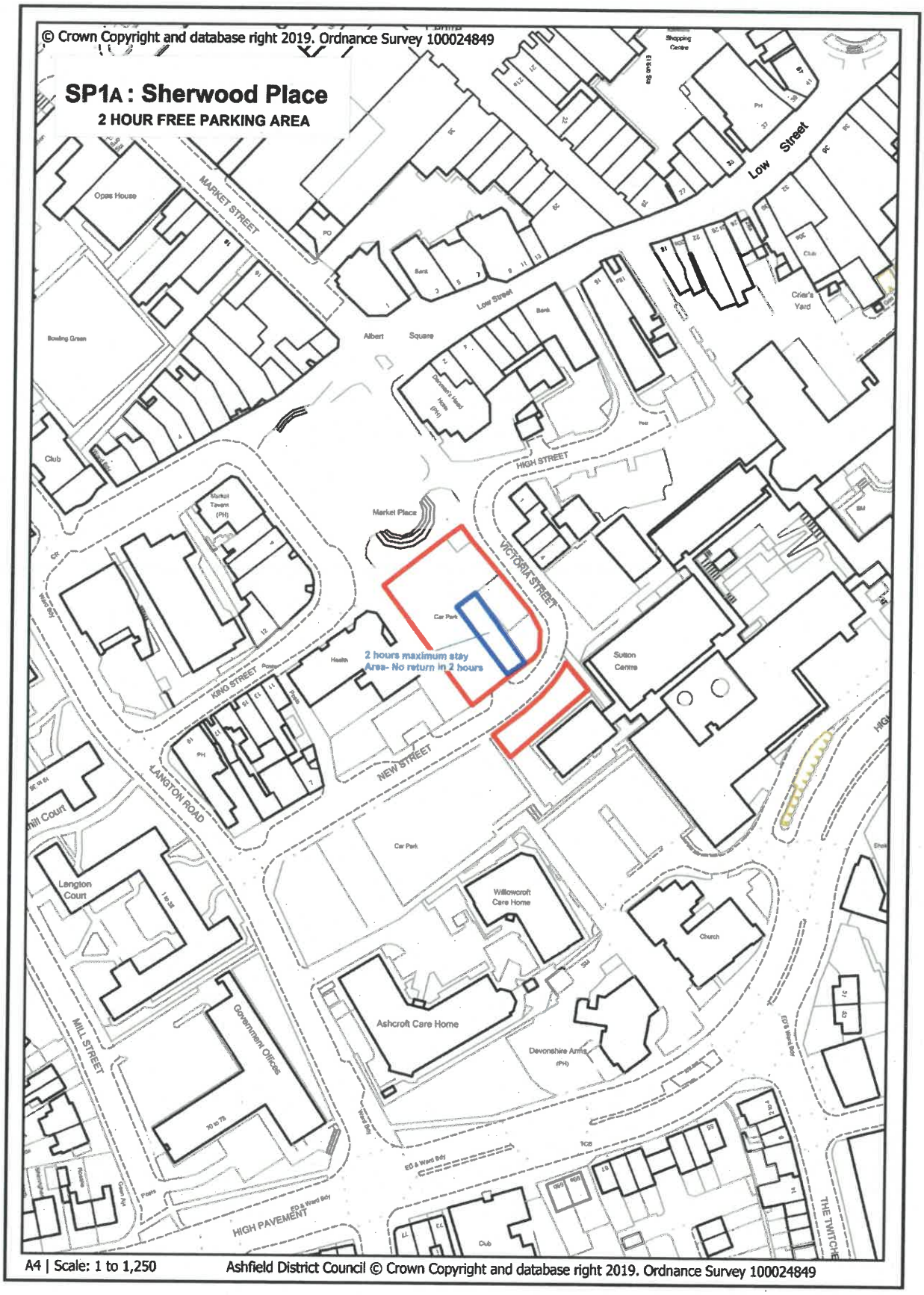

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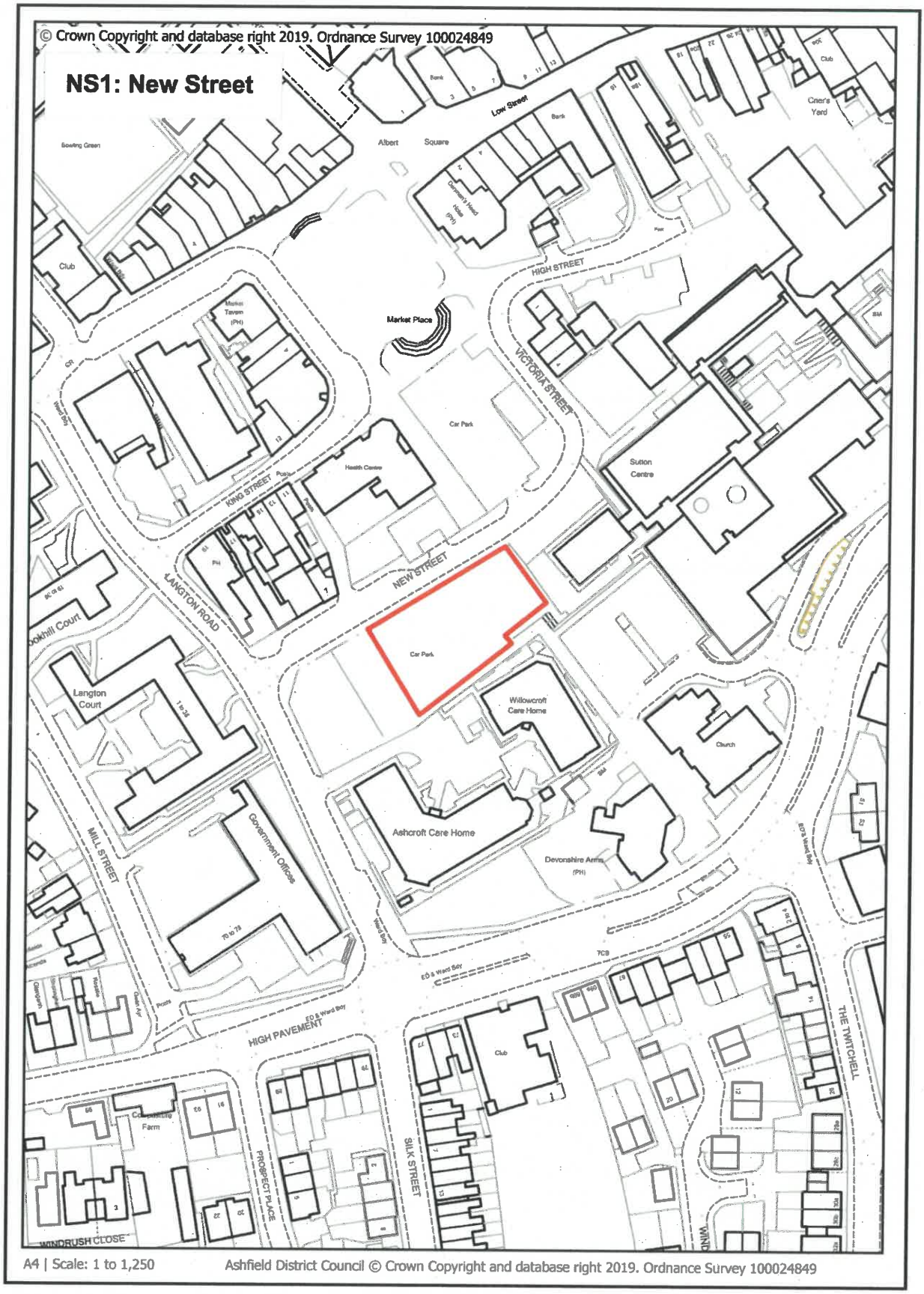

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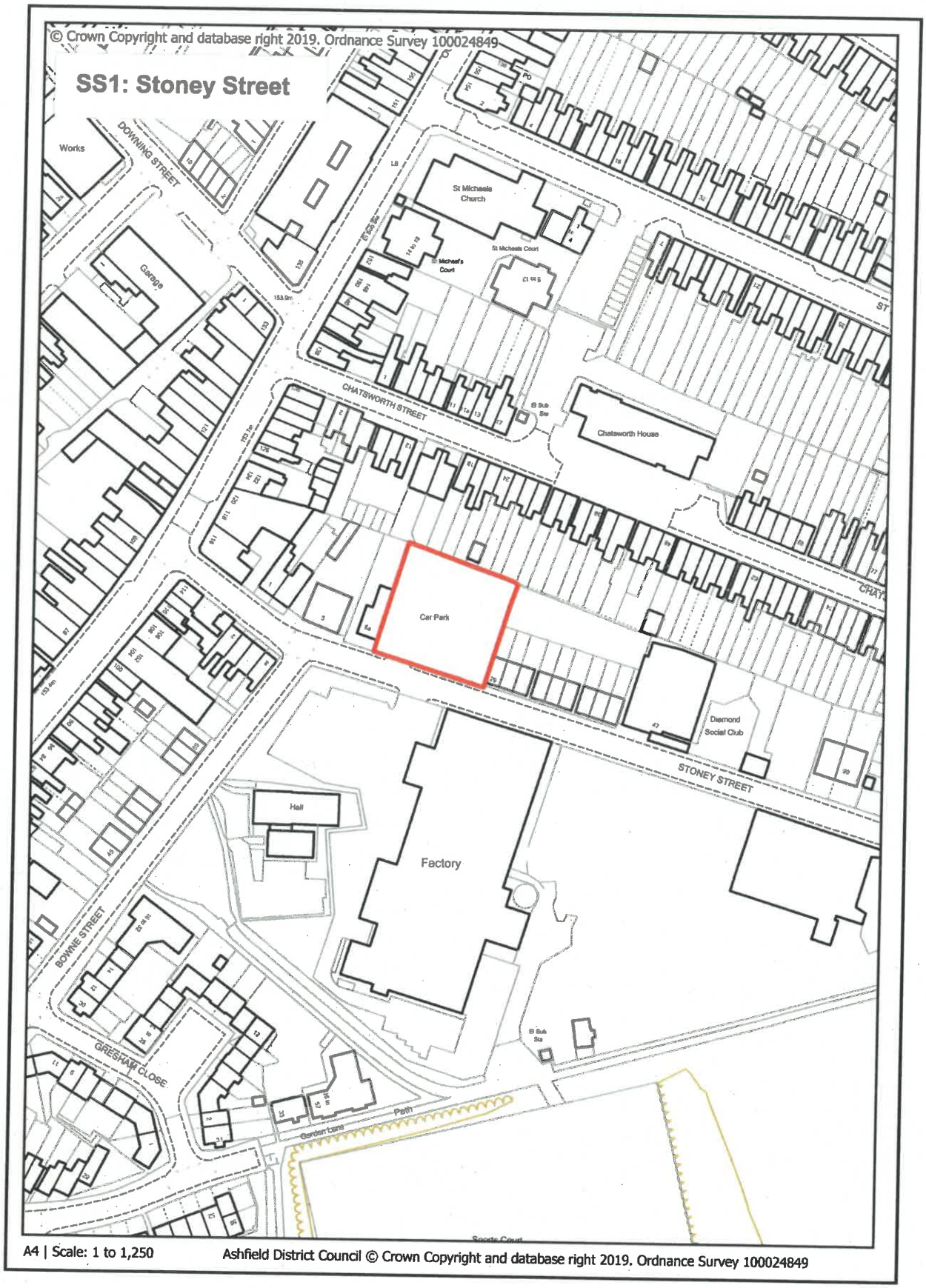

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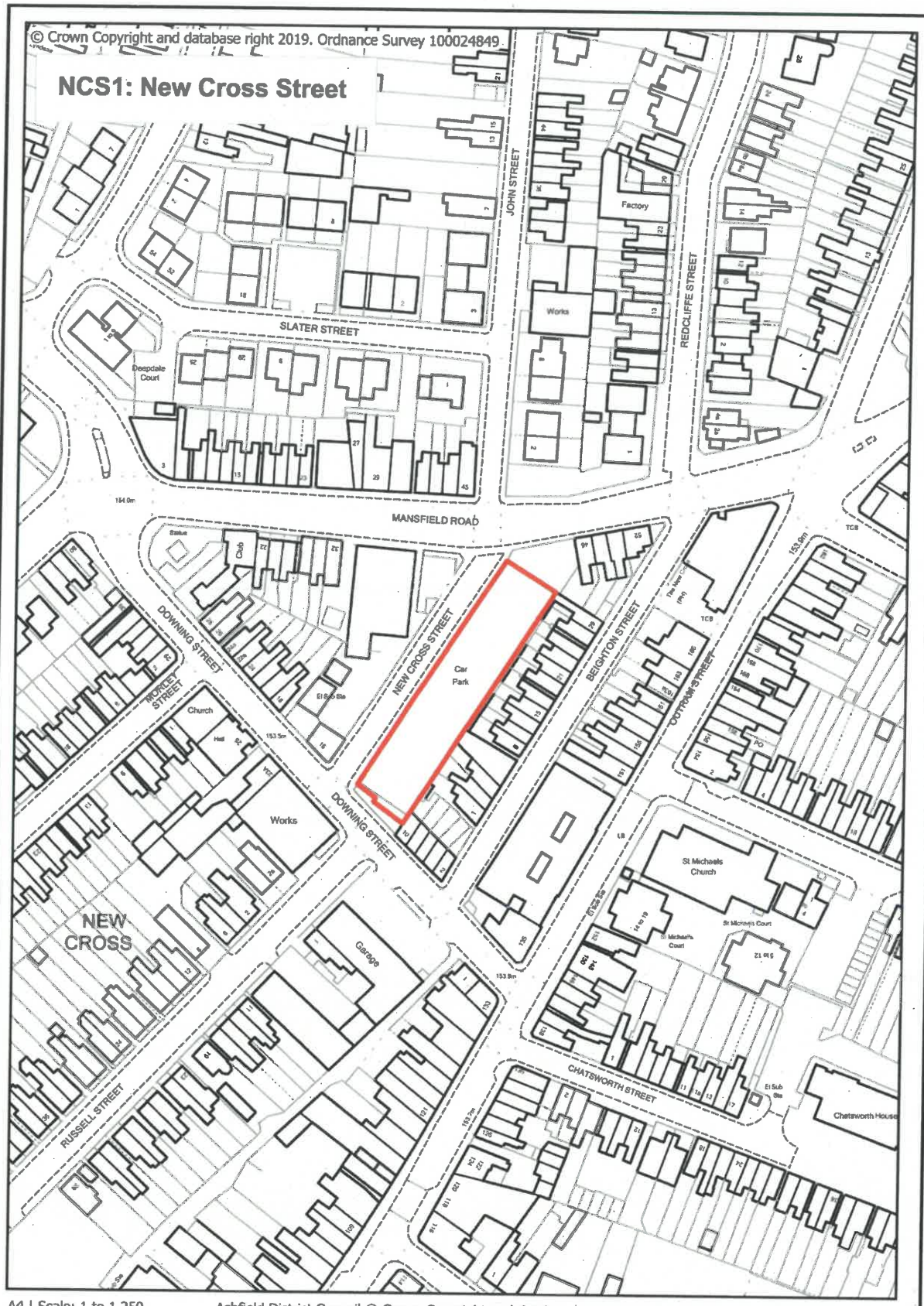

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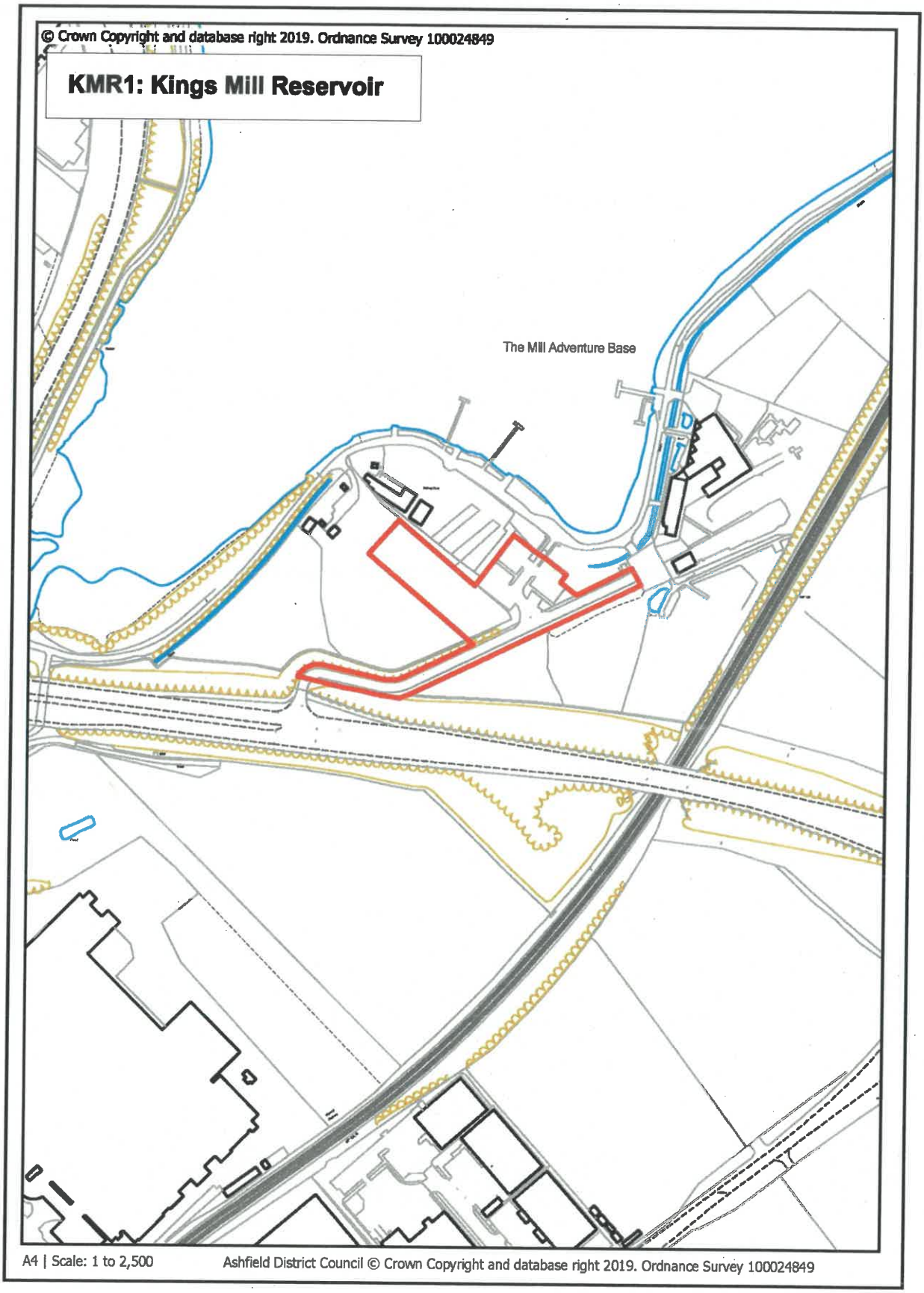

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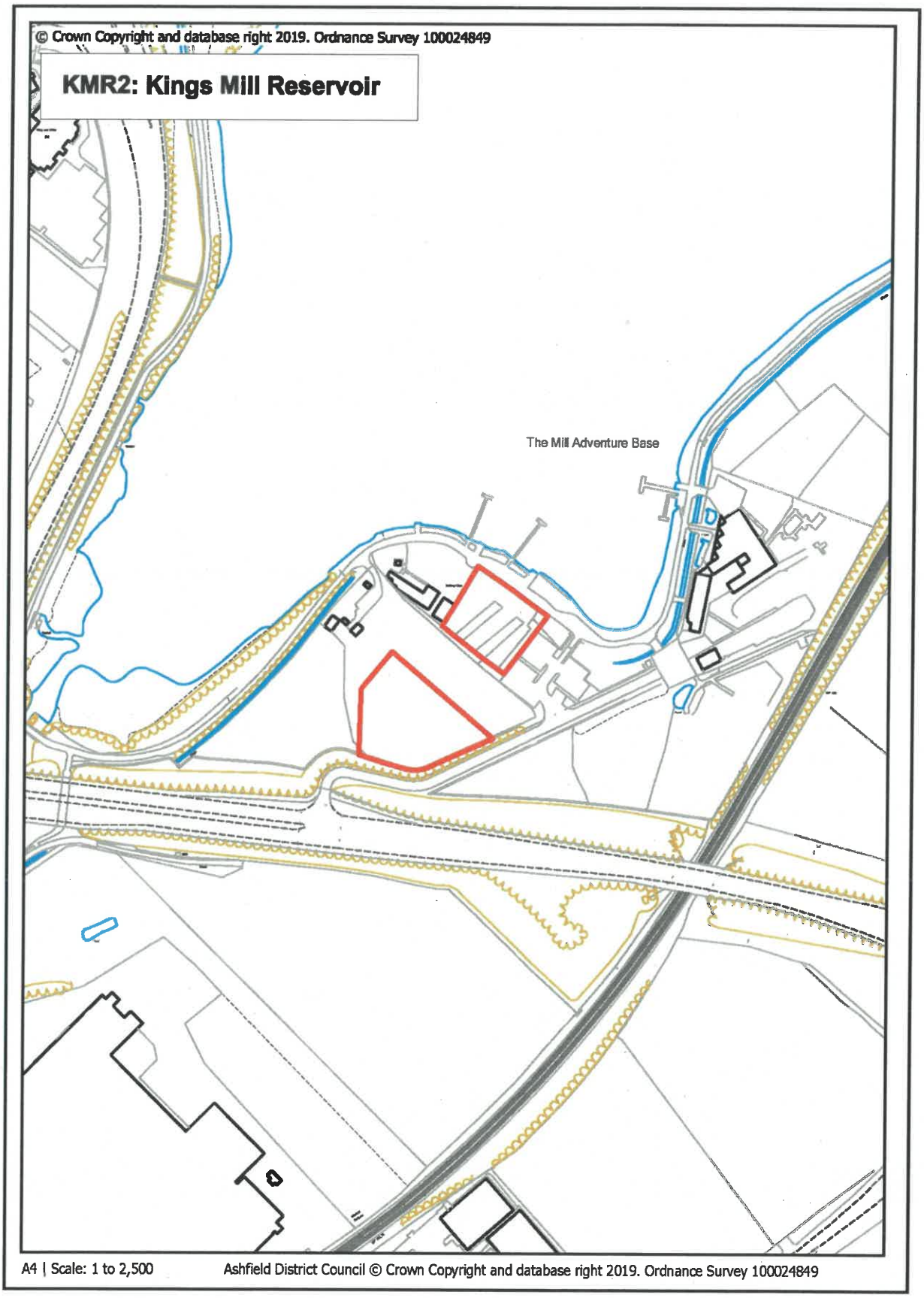

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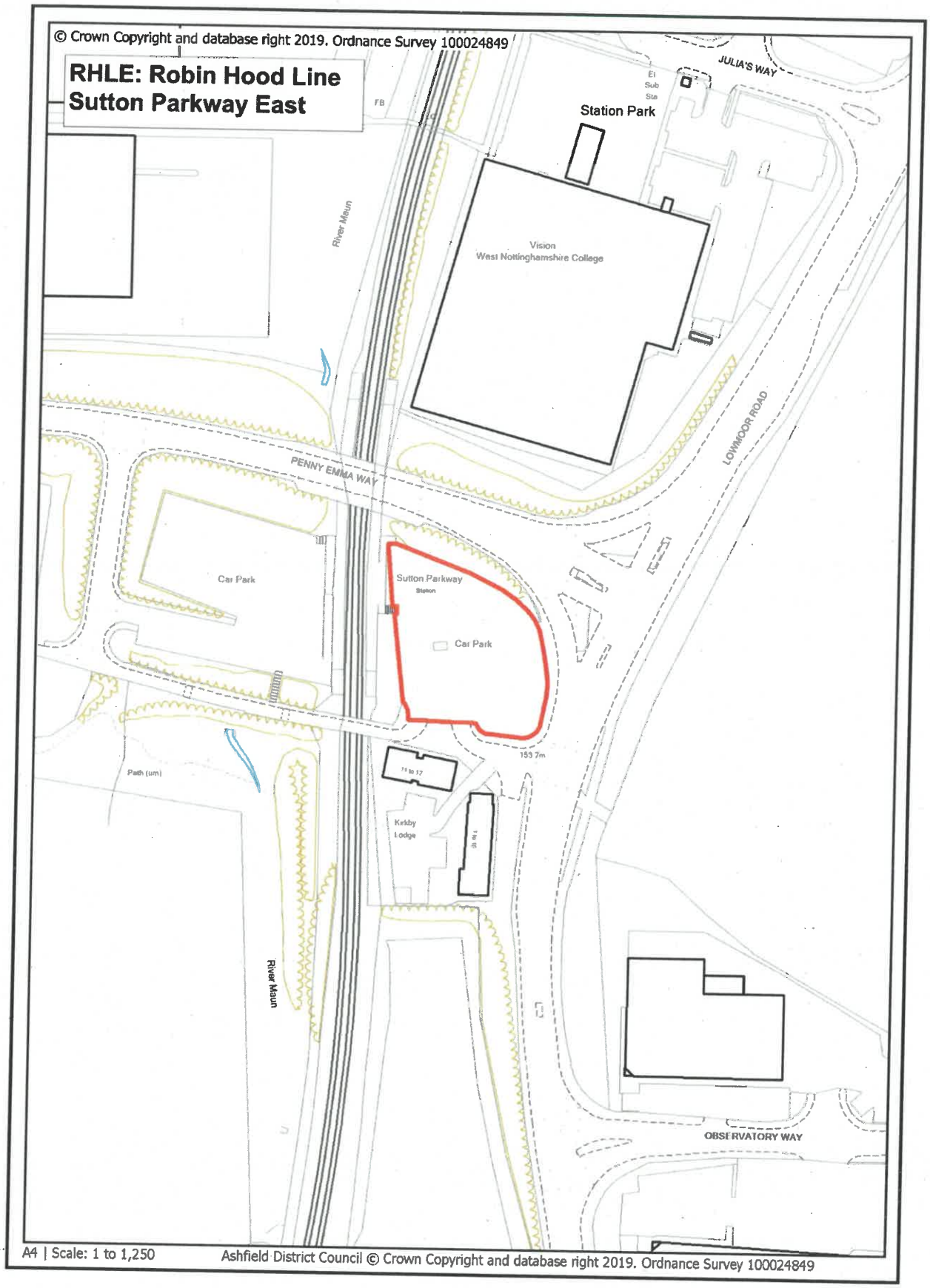

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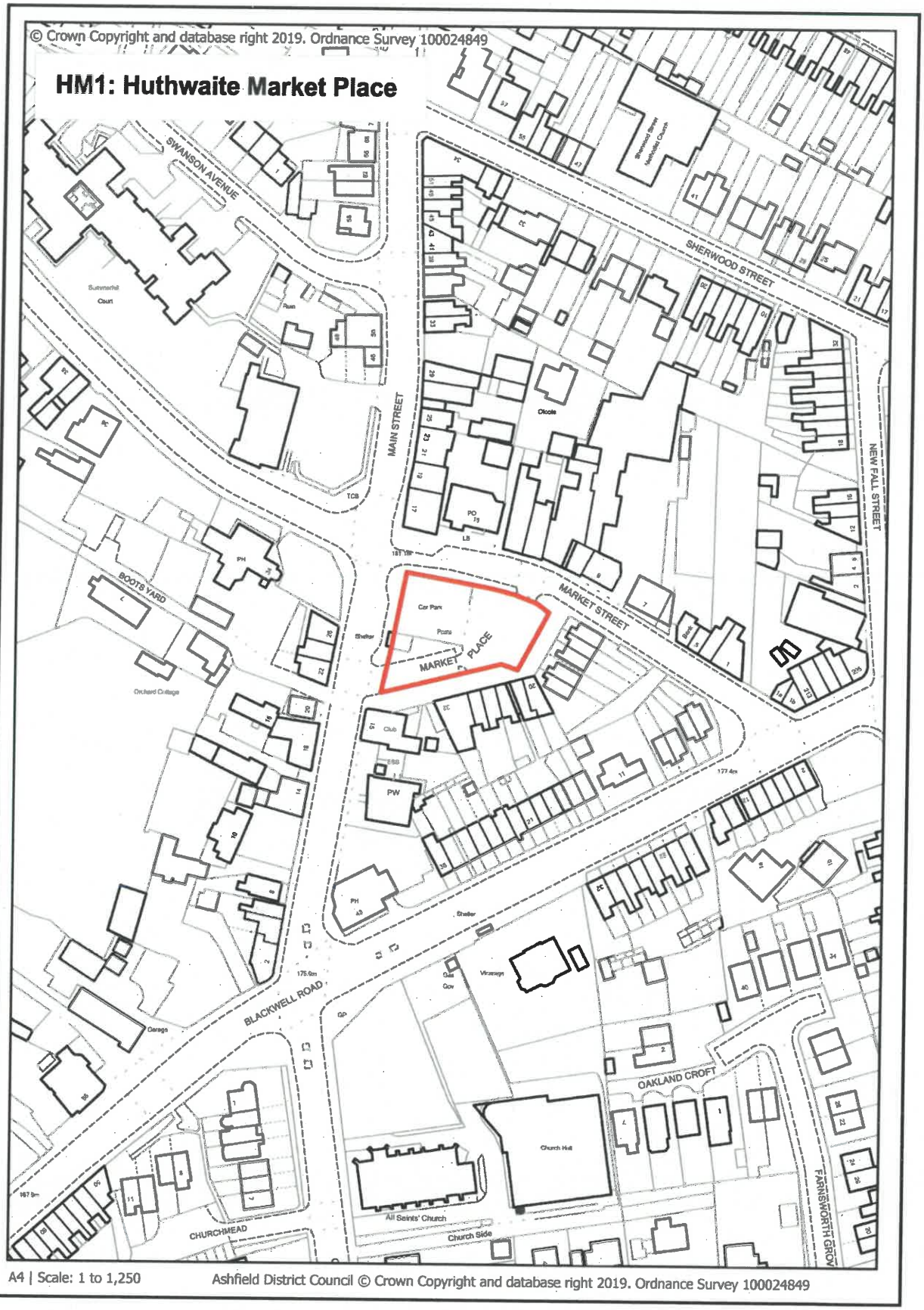

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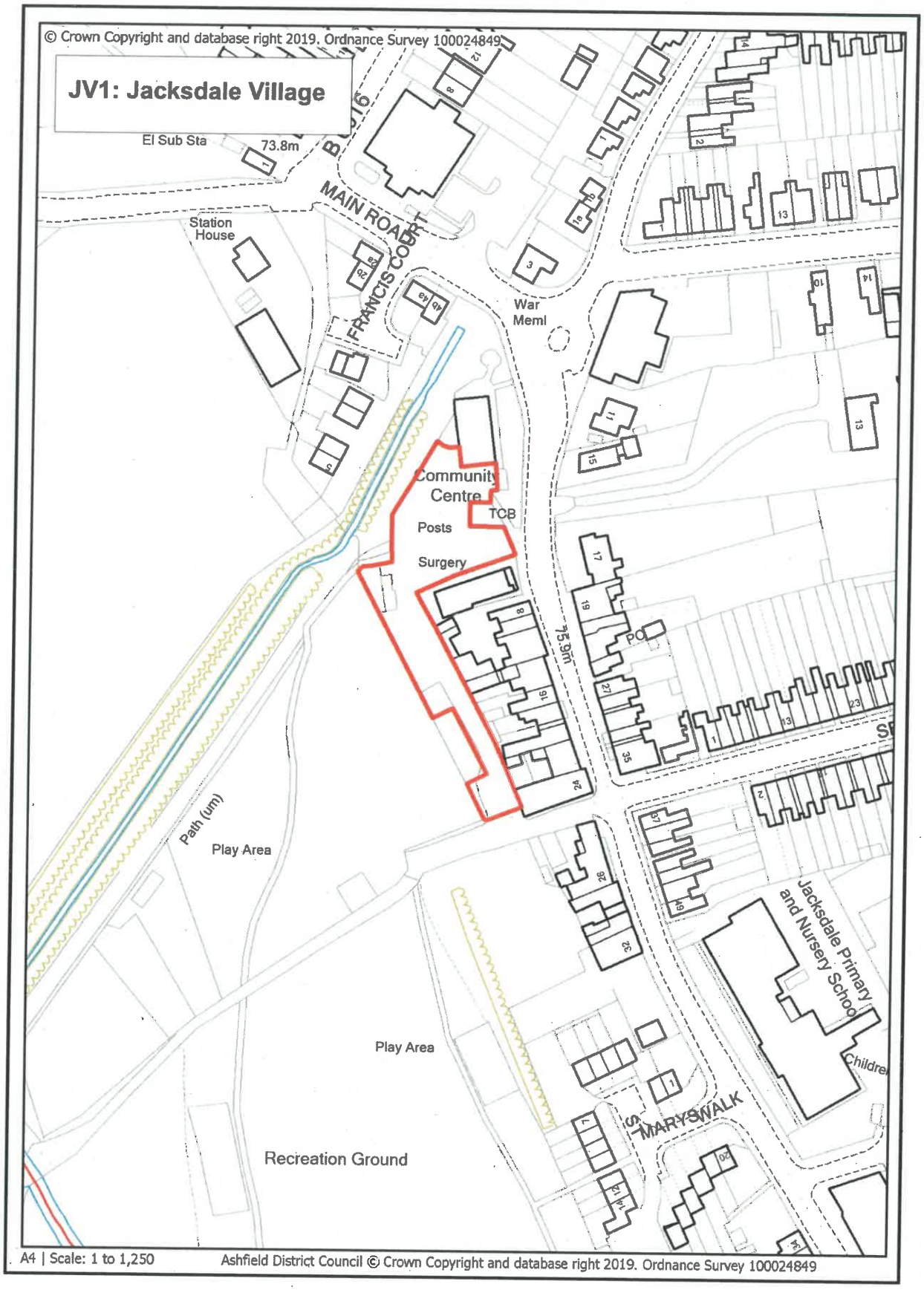

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CHAIRMAN

AUTHORISED OFFICER

Dated: 19th day of June 2020

The Common Seal of

ASHFIELD DISTRICT COUNCIL

EXECUTED AS A DEED)
by **ASHFIELD DISTRICT COUNCIL**)
having affixed its common seal)
to this deed in the presence of:-)

Chairman / Vice Chairman
(*delete as applicable)

Chief Executive / Deputy Chief Executive

(*delete as applicable)

351660